

Settlement Reached in Facebook Case

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The National Labor Relations Board (NLRB) announced that a settlement has been reached in a case involving an employee allegedly fired for posting negative comments about a supervisor on her Facebook page in violation of company policy.

Under the terms of the settlement, American Medical Response of Connecticut, Inc. agreed to revise its social media policy—characterized by the NLRB as "overly broad"—to ensure that employees are not "improperly restrict[ed] ... from discussing their wages, hours and working conditions with co-workers and others while not at work..." The NLRB had alleged that American Medical Response's Internet policy, which prohibited employees from posting disparaging comments or certain depictions of the company on social media websites, violated the National Labor Relations Act (NLRA). The NLRA ensures employees the right to engage in "concerted protected activity," including discussing concerns and criticisms of a supervisor with co-workers. Although the settlement carries no precedential value, employers may wish to review their social media policies to ensure they are not unwittingly infringing upon employees' rights under the NLRA.

Authors

Kathryne C. Dickerson
Partner
202.719.7279
kdickerson@wiley.law